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**USPTO Application Number 10/026,567 - Filing Date 12/26/2001**  
**German patent DE 100 60 663 C 1**

This application was sent to USPTO on November 22, 2001. It was received December 26, 2001.  
This application claims German priority, dated from December 06, 2000.

#### **Petition**

Although the formal date of receipt at USPTO is later than December 06, 2001, I ask USPTO to set the filing date December 6, 2001.

#### Rationale

My application was submitted to the German Post office November 22, 2001, via air mail, allowing 14 days for mail delivery. This period seemed to provide enough reserve time, to arrive before or at December 6, 2001. Please see the enclosed Post office receipt, dated November 22, 2001, or see the stamped mail envelope, if still available.

At that time, because of unforeseeable circumstances, the mail service at Washington DC was suspended temporarily, causing a very unusual delay of the delivery of my application.

On December 3, 2001, I filed a similar application in English language at the European Patent Office (EPO), again claiming German priority. Both applications, at USPTO and at EPO have almost identical wording. This should prove, that the contents of the applications were available before December 6, 2001 and no deviation was implemented meanwhile. The EPO application is numbered 01 128 400.7-2318, the specification may be checked any time by USPTO examiners.

To my opinion, the refusal of the priority with subsequent questioning of the patentability at USPTO because of the late receipt of my application, caused by the unforeseeably suspended mail service in Washington DC is a undue burden. I therefore ask you to either set the filing date December 06, 2001 or decide that the priority is applicable although the period of 1 year is exceeded due to this delay. Such a decision would not put me in a better position than would have existed if the Washington DC mail service had worked like normal. Any party which would take profit from the refusal of granting the patent due to the late receipt at USPTO would have this wind-fall profit only because of people attacking the mail system in Washington at that time.

Yours sincerely

  
Wolfram Gorisch